

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE BED BATH & BEYOND
STOCKHOLDER DERIVATIVE LITIGATION**

This Document Relates to All Actions

**Master File No. 2:20-cv-08673-MCA-
MAH**

**DEFENDANTS' UNOPPOSED
MOTION FOR
EXTENSION OF TIME TO FILE
MOTION TO DISMISS AND FOR
ADDITIONAL PAGES**

Defendants respectfully request (*i*) a one-day extension of time to file their motion to dismiss Plaintiffs' Verified Shareholder Derivative Consolidated Complaint (the "Complaint") in the above-captioned action and (*ii*) leave to file a memorandum of law of up to 45 pages in support of their motion. Plaintiffs do not oppose those requests.

As grounds for this motion, Defendants state as follows:

1. Starting on July 10, 2020, three related shareholder derivative actions were filed in this Court on behalf of nominal defendant Bed Bath & Beyond Inc. ("BBBY").
2. On October 14, 2020, the Court entered an order [ECF No. 12] consolidating the three cases under the caption shown above and staying them pending disposition of a motion to dismiss the related securities class action captioned *Vitiello v. Bed Bath & Beyond Inc.*, No. 2:20-cv-4240-MCA-MAH (D.N.J.) (the "Securities Class Action").
3. On August 3 and 4, 2021, the parties to the Securities Class Action and the parties to this consolidated derivative action (as well as the parties to related derivative actions pending in New York state court) participated in a mediation.

4. The parties to the Securities Class Action reached a proposed settlement that will be presented to the Court, but the parties to the consolidated derivative action have not yet reached any agreement to resolve this case.

5. On November 17, 2021, Plaintiffs filed their consolidated Complaint. [ECF No. 20]

6. Pursuant to the Court's scheduling order, Defendants' response to the Complaint is due on January 3, 2022, 45 days after the Complaint was filed. [ECF No. 19]

7. Defendants' counsel's office is closed on January 3, 2022 for observance of the New Year's Day holiday, and counsel therefore will not have regular access to their Managing Attorney's Office to handle the requisite e-filings on the Court's PACER system. Defendants therefore request a one-day extension of the filing deadline to January 4, 2022.

8. Defendants also request leave to file a memorandum of law exceeding the 30 pages allowed for briefs in 12-point proportional fonts under Local Civil Rule 7.2(d). Plaintiffs' Complaint is 50 pages long, asserts claims against 15 individual defendants, and involves issues of both New York corporate law and the federal securities laws. Defendants therefore request leave to file a brief of up to 45 pages in support of their motion to dismiss the Complaint under Fed. R. Civ. P. 23.1 and 12(b)(6).

9. Plaintiffs do not oppose either of these requests.

WHEREFORE, Defendants respectfully request that the Court grant (i) a one-day extension (to January 4, 2022) for Defendants to file their motion to dismiss the Complaint and (ii) leave to file a memorandum of law of up to 45 pages in support of Defendants' motion to dismiss.

Dated: December 21, 2021

/s/ Edna D. Guerrasio
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Attorneys for Defendants and Nominal Defendant Bed Bath & Beyond Inc.

DATED: 12/22/21

SO ORDERED:

s/ Michael A. Hammer
Michael A. Hammer, U.S.M.J.

